

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SAN DISK CORPORATION,

No. C 11-5243 RS

Plaintiff,

v.

**ORDER VACATING HEARING
DATES AND REQUIRING FILING OF
JOINT SCHEDULING PROPOSAL**

ROUND ROCK RESEARCH LLC

Defendant.

On February 27, 2013, Round Rock filed a motion for summary judgment on certain affirmative defenses asserted by San Disk to the counterclaims in this action. On April 4, 2013, San Disk filed a motion for summary judgment that certain patent claims asserted by Round Rock are invalid on grounds of obviousness. On the same date, San Disk filed a separate motion for summary judgment that others of Round Rock's patent claims are invalid on grounds of anticipation. It is unclear whether either party is presently anticipating filing yet more summary judgment motions on additional issues in the future.

As a general rule, having multiple hearings in one case within a time span of a few weeks is to be avoided. Additionally, while no provision of the federal or local rules expressly limit the number of summary judgment motions a party may bring, seriatim or multiple motions ordinarily will not be entertained absent a showing of good cause. Among other things, when a party files

1 more than one summary judgment motion without prior permission, or an approved case
2 management plan that contemplates proceeding in that fashion, it has effectively ignored the page
3 limit requirements of the local rules, even assuming there is an entirely legitimate justification for
4 addressing separate issues in separate motions.

5 Accordingly, the hearing dates on the pending summary judgment motions are vacated. The
6 parties shall meet and confer, and within fifteen days of the date of this order shall file a joint
7 scheduling proposal for any and all summary judgment motions they each can reasonably anticipate
8 may be filed in this action. To the extent the parties contemplate additional motions beyond those
9 already filed, they should explain why they believe it would be appropriate in this case to allow
10 multiple motions. Likewise, if the parties propose that summary judgment motions be heard on
11 more than one date, they should explain why such seriatim motions would be in the interests of
12 justice and efficient case management in this instance.

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14 IT IS SO ORDERED.

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16 Dated: April 15, 2013

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RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE